

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on June 16, 2004. The amendments to the claims and remarks presented by this paper are consistent with the amendments proposed and arguments presented during the Interview. Claims 1-8 and 11-24 are pending, of which claim 1 is an independent method claim with corresponding independent computer program product claim 19, claim 17 also is an independent method claim, and claim 24 is an independent system claim. As indicated above, claims 9 and 10 have been canceled without prejudice and claims 1, 11-19, 21, and 24 have been amended by this paper. Applicants note for the record that the amendments to the dependent claims have been made solely to make them consistent with the language used in the corresponding independent claims or to correct grammatical errors.

The Office Action objected to the use of Bluetooth in claims 9 and 10 because the term was not capitalized and failed to designate a version number. As indicated above, Applicants have canceled claims 9 and 10 by this paper.

The Office Action rejected each of the pending independent claims (1, 17, 19, and 24) under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,665,521 to Gorday et al. ("*Gorday*"). The remaining dependent claims were either rejected under 35 U.S.C. § 102(e) as being anticipated by *Gorday* or under 35 U.S.C. § 103(a) as being unpatentable over *Gorday* in view of U.S. Patent No. 6,694,143 to Beamish et al. ("*Beamish*").¹

Applicants' invention, as claimed for example in amended independent method claim 1, relates to facilitating user selection of one or more destination wireless devices without requiring that a user identify a wireless transfer mechanism. The method includes detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer mechanisms. Each of the plurality of available destination wireless devices uses at least one distinct wireless transfer mechanism. The source wireless device presents the plurality of available destination wireless devices to the user in a unified user interface that is independent of any particular wireless transfer mechanism. After receiving a user selection of one or more destination wireless devices of the plurality of available destination

¹Although the prior art status of all cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

wireless devices without requiring separate user selection of a specific wireless transfer mechanism for each of the one or more selected destination wireless devices, the method automatically, and without user intervention, identifies one or more wireless transfer mechanisms to use when transferring the one or more items to each of the one or more selected destination wireless devices. Amended independent computer program product claim 19 contains corresponding limitations for computer-executable instructions stored on a computer readable medium. Amended independent claim 24 contains corresponding limitations for a wireless network comprising a source wireless device capable of transferring items over the wireless network using a plurality of different wireless transfer mechanisms, and a plurality of destination wireless devices available for receiving one or more items over the wireless network, each using at least one distinct wireless transfer mechanism.

Similarly, Applicants' invention, as claimed for example in amended independent method claim 17, also relates to facilitating user selection of one or more destination wireless devices without requiring that a user identify a wireless transfer mechanism. The method includes detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer mechanisms, each of the plurality of available destination wireless devices using at least one distinct wireless transfer mechanism; using a unified user interface to identify one or more destination wireless devices, the unified user interface being independent of the plurality of different wireless transfer mechanisms supported by the source wireless device so that a user need not identify any particular wireless transfer mechanism for communicating with the one or more destination wireless devices; and automatically, and without user intervention, identifying one or more wireless transfer mechanisms to use when transferring one or more items to each of the one or more selected destination wireless devices.

"[F]or anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, the cited reference must be enabled with respect to each claim limitation.

Gorday discloses a wireless communication system with a primary protocol, such as Motorola's ReFLEX messaging protocol for communicating with a base station, and a secondary short range protocol for communicating with other ReFLEX units within range of the secondary protocol. Col. 2, ll. 4-19. Using the secondary protocol, the wireless devices agree to form a cooperative diversity network. Col. 2, ll. 26-28. For example, at least one of a plurality of cooperative wireless devices receives a signal intended for a targeted member of the diversity network and cooperatively processes the signal to increase diversity gain of the signal to the targeted member. Col. 2, ll. 60-67. A wireless device in the diversity network also may transmit a signal using the secondary protocol to a cooperative device for eventual transmission to the base station over the primary protocol in order to increase diversity gain to the signal transmitted to the base station. Col. 3, ll. 57-66.

Gorday fails, however, to teach suggest or motivate every limitation of Applicants' claimed invention. For example, among other things, *Gorday* fails to teach, suggest, or motivate detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer mechanisms, each of the plurality of available destination wireless devices using at least one distinct wireless transfer mechanism; presenting the plurality of available destination wireless devices to the user in a unified user interface that is independent of any particular wireless transfer mechanism; receiving a user selection of one or more destination wireless devices of the plurality of available destination wireless devices without requiring separate user selection of a specific wireless transfer mechanism for each of the one or more selected destination wireless devices; and automatically, and without user intervention, identifying one or more wireless transfer mechanisms to use when transferring the one or more items to each of the one or more selected destination wireless devices, as recited in independent claim 1. *Gorday* also fails to teach, suggest, or motivate the corresponding limitations found in independent computer program product claim 19 or the wireless network claimed in independent claim 24, and fails to teach, suggest, or motivate the similar limitations found in independent method claim 17.

Based on at least the foregoing reasons, Applicant respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 17, 19, and 24. Indeed, as noted in the Interview Summary prepared

following the Interview, the Examiner concurred that the proposed claim amendments to the independent claims appear to distinguish over the art of record.

Applicant notes for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 6th day of July, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", with a stylized flourish at the end.

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